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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MASATO MIZUTA

Appeal 2016-003773[1]
Application 13/424,701[2]
Technology Center 2400

Before JEAN R. HOMERE, JOSEPH P. LENTIVECH, and SHARON FENICK, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1 and 4–22. Claims 2 and 3 have been canceled. Claims App'x. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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[1] This appeal relates to Appeal 2015-006580 (Application 13/425,780).
[2] Appellant identifies the real party in interest as Nintendo Co., Ltd. App. Br. 3.

Appellant's Invention

Appellant invented a computer game device for outputting the sound of a sound source in a virtual space (e.g., microphone 62) captured by a virtual camera (60). Spec. ¶ 6, Fig. 2. In particular, upon displaying the captured image of the virtual space, the sound associated therewith is output based on the direction of a calculated sound source (e.g., microphone 61) behind the virtual camera, and the calculated volume of the sound in the virtual space. *Id.* ¶¶ 111–113.

Illustrative Claim

Independent claim 1 is illustrative, and reads as follows:

> 1. A non-transitory computer-readable storage medium storing an information processing program executable by a computer of an information processing device for outputting a sound of a sound source in a virtual space, the program, when executed, causing the computer to perform operations comprising:
>
> displaying, on a display device, an image of the virtual space captured by a virtual camera;
>
> calculating a direction of the sound source with reference to a first location in the virtual space, wherein the first location is set based on a location of the virtual camera;
>
> calculating a volume of the sound based on a second location different from the first location and a location of the sound source, wherein the second location is set within an imaging range of the virtual camera; and
>
> outputting the sound of the sound source based on the calculated direction and volume.

Prior Art Relied Upon

Kawamura	US 2004/0110561 A1	June 10, 2004
Suzuki	US 2005/0187015 A1	Aug. 25, 2005
Chrysanthakopoulos	US 7,113,610 B1	Sept. 26, 2006
Inokuchi	US 2009/0244064 A1	Oct. 1, 2009

Rejections on Appeal

Claims 1, 4–6, 9–16, 19, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Inokuchi and Kawamura. Final Act. 3–13.

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Inokuchi, Kawamura, and Suzuki. Final Act. 13–16.

Claims 17, 18, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Inokuchi, Kawamura, and Chrysanthakopoulos ("Chr" hereinafter). Final Act. 17–18.

ANALYSIS

Regarding the rejection of claim 1, Appellant argues the combination of Inokuchi and Kawamura does not teach or suggest "calculating a volume of the sound based on a second location different from the first location and a location of the sound source, wherein the second location is set within an imaging range of the virtual camera." App. Br. 13–14. In particular, Appellant argues that because Kawamura discloses a virtual camera and a virtual microphone located in the same position, the location of the virtual microphone is not within an imaging range of the virtual camera. *Id.* at 14 (citing Kawamura ¶ 81); Reply Br. 3–4. This argument is persuasive.

Kawamura discloses a 3D game world wherein a virtual microphone (86) is provided together with a virtual camera such that the sound collecting position and the sound collecting direction indicate respectively the position, and the direction of the microphone in the game world. Kawamura Fig. 8, ¶ 66, 81. As persuasively argued by Appellant, Kawamura's disclosure that the image character can be moved to a different location by changing the camera position does not support Examiner's conclusion that "the location and the view point of [the] camera can be moved and changed to [a] different location from virtual microphone." App. Br. 14 (citing Kawamura ¶¶ 49, 80). In Kawamura, converting the game world from a world coordinate system does not indicate any change in the respective positions of the virtual camera and the virtual microphone. Kawamura ¶ 83. Accordingly, the evidence before us does not support the Examiner's finding that the virtual microphone can be moved within an imaging range of the camera. Because Appellant has shown at least one reversible error in the Examiner's rejection, we agree with Appellant that the Examiner's obviousness rejection is in error. Accordingly, we do not sustain the Examiner's rejection of claim 1, as well as the rejections of claims 4–22, which also recite the disputed limitations.

DECISION

For the above reasons, the rejections of claims 1 and 4–22 are reversed.

REVERSED